

REMARKS/ARGUMENTS

In the Office Action mailed February 12, 2007, claims 4 and 5 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

Claims 4 and 5 have been amended. No claims have been added. Claims 2-3 and 7 had previously been cancelled. As such, claims 1 and 4-6 remain pending.

CLAIM REJECTIONS – 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 4 and 5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The above claim amendments directly address all of the comments included in the Office Action and therefore render this rejection moot.

The corrections to the claims that the Examiner pointed out on page 3 of the Office Action have also been made.

At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the rejection of claims 4 and 5 under 35 U.S.C. §112, second paragraph, is respectfully requested.

CLAIM REJECTIONS – DEFECTIVE REISSUE DECLARATION

Claims 1 and 4-6 were rejected as being based upon a defective reissue declaration under 35 U.S.C. §251. This rejection is respectfully traversed.

The Supplemental Declaration for Reissue Patent Application submitted along with the Amendment filed on January 24, 2007 was signed by an officer of Core Industries, Inc. As stated in the Supplemental Declaration, Mueller Steam Specialty is a division of Core Industries Inc. As such, Applicants point out that, since Mueller Steam Specialty is a wholly owned subsidiary of Core Industries Inc., the officer of Core Industries Inc. who signed the Supplemental declaration was entitled to and appropriately did so.

At least in view of the above remarks, reconsideration and withdrawal of the rejection of claims 1 and 4-6 under 35 U.S.C. §251 is respectfully requested.

Applicants also point out that, as stated in M.P.E.P. §1414.01, if additional defects or errors are corrected in the reissue after the filing of the application and the original reissue oath or declaration, a supplemental reissue oath/declaration must be filed, unless all additional errors corrected are spelling, grammar, typographical, editorial or clerical errors which are not errors under 35 U.S.C. §251 (see MPEP §1402). Since all of the claim amendments made herein are either grammar, typographical, editorial or clerical errors, no additional Supplemental Declaration is necessary.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request all the objections and rejections to the specification and claims be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1716 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Docket No. 87289.1524
Serial No.: 10/621,317
Customer No. 30734

Patent

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No.

50-2036 with reference to Attorney Docket No. 87344.1524.

Respectfully submitted,

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